

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

MARTIN DIAZ,	:	
	:	
Plaintiff,	:	Case No. 22-cv-7465 (RBK/SAK)
	:	
v.	:	ORDER
	:	
MAYOR VICTOR CARSTARPHEN, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

KUGLER, United States District Judge:

THIS MATTER having come before the Court on Plaintiff's Motion for Default Judgment (ECF No. 31), in which Plaintiff asks the Court to enter default judgment against all Defendants in this action;

THE COURT NOTING that under Federal Rule of Civil Procedure 55(a), entry of default is appropriate only “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend”; and

THE COURT OBSERVING that Defendant Victor Carstarphen filed a Motion to Dismiss the Complaint on February 17, 2023. (ECF No. 18). Defendants Louis Cappelli, Jr., Gabriel Rodriguez, Jason Pike, Brandon Kersey, and Melva Moss filed a Motion to Dismiss on March 4, 2023. (ECF No. 26). The only remaining defendant is one Doe defendant. Because no named defendant has “failed to plead or otherwise defend,” the requirements for entry of default judgment under Rule 55 are not satisfied; therefore

IT IS HEREBY ORDERED that Plaintiff's motion is **DENIED**.

Dated: 5/3/2023

s/ Robert B. Kugler
ROBERT B. KUGLER
United State District Judge